

**Wilson, Karen**

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**From:** Nimmer, Kimberly [kimberly.nimmer@ncdenr.gov]  
**Sent:** Monday, December 09, 2013 1:43 PM  
**To:** Wilson, Karen  
**Cc:** Farzaad, Marjan; Kotey, Napoleon; Brown, Yolanda; Gannon, Rich; Jennings, Heather  
**Subject:** RE: NC Waiver/Exemption Request  
**Attachments:** NC-FY14-Exemption-Documents.docx; Review-Checklist-9e-WBPs\_12062013.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Karen,  
Attached is the additional information/documentation requested as part of the next steps in requesting the exemption to the FY14 319 Guidelines. The first attachment (file name "NC-FY14-Exemption-Documents") addresses the information listed in your email below as items 1 through 2.f. Your request is in bold italics on the document, and our response follows. There is a separate document, the second attachment (file name "Review-Checklist-9e-WBPs") that identifies where each of the nine elements can be found in the three watershed plans developed by EEP. The hyperlinks to associated documents in that table have also been added to the page on our website already provided to you, so that all the materials are located in one place: <http://portal.ncdenr.org/web/wq/2014-watershed-information>.

This should address the information that was requested in your previous email. If you have further questions or are not able to open any of the links on the attachment or website, please let me know. We look forward to working with you to move the FY14 exemption request forward.

Kim

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Kim Nimmer  
319 Grant Administrator  
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**From:** Wilson, Karen [mailto:Wilson.Karen@epa.gov]  
**Sent:** Tuesday, October 29, 2013 1:03 PM  
**To:** Nimmer, Kimberly  
**Cc:** Farzaad, Marjan; Kotey, Napoleon; Brown, Yolanda  
**Subject:** NC Waiver/Exemption Request

Hi Kim,

I'm sorry to take so long to get back to you on your request for an exemption for the FY 14 319 grant, but it was unavoidable due to the federal furlough.



As we discussed in our phone conversation with you on Monday, we had the opportunity to discuss your request with EPA Headquarters. Since the FY 14 319 Grant workplan still shows the need to fund staff positions that may only engage in 319 activities periodically, we decided to proceed with the exemption option rather than a waiver. If we had proceeded with the waiver, I think we would have a hard time reconciling all of the FTEs funded out of Implementation Funds with the FY14 319 Guidelines. So, here are the next steps:

1. 9-Elements Requirement: Thank you for providing a link to the six watershed-based workplans supported with Clean Water Management Trust Funds. I was able to download them, but have not had a chance to review them in any detail. You stated during the call that the NC NPS Program considers them to be equivalent to an EPA 9-Element Watershed Based Plan. For the purposes of the exemption, you will need to demonstrate equivalency for the EEP plans. This can be done through a brief correspondence showing which pages in each document you see as satisfying the 319 9-elements. Please note, that if an element is not addressed, you would have to provide that section.
2. Additionally, you will be required to meet the criteria outlined in Section G of the FY14 "Section 319 Program Guidance" on Pages 40-41.
  - a) A statement that the Projects are aligned with the priorities as described in the state NPS management program;
  - b) a statement of assurance/certification that these projects will meet the goals of the watershed project funding requirement;
  - c) that the projects will be completed within the FY14 Grant period;
  - d) that the projects used to meet the exemption will be reported in EPA's Grants tracking System (GRTS) in the same manner as Section 319 funded projects;
  - e) assurance that no federal funds count as leveraging; and,
  - f) that non-federal funds used for the 40% match are not being used to meet the exemption.

All of these can be addressed in the same correspondence. We will be happy to help with any of these analyses or determinations. Please feel free to contact me with any questions you may have. I look forward to hearing from you soon.

Karen

Nimmer, Kimberly [<mailto:kimberly.nimmer@ncdenr.gov>]  
**Sent:** Tuesday, September 24, 2013 4:50 PM  
**To:** Wilson, Karen  
**Cc:** Gannon, Rich; Fransen, Tom; Woodlief, Lucia  
**Subject:** NC FY2014 319 Grant work plan

Karen,  
Attached are the documents for North Carolina's FY2014 319 Grant work plan and application package. The application and work plan were delivered last Wednesday to our Division's Budget office to be routed for signatures. Once the



application has been signed by DENR Secretary Skvarla, Lucia Woodlief in our Division's Budget office will send the entire application package to Sherry Miles's attention.

North Carolina is requesting exemption from the 50 percent watershed project funding requirement, as described in pages 40-41 of the Nonpoint Source Program and Grants Guidelines released in April 2013. We are able to document substantial state fund leveraging from the implementation of watershed restoration projects funded by the Clean Water Management Trust Fund (CWMTF). Due to the large electronic file size, in separate emails I will send you the applications from six restoration projects funded by the CWMTF as well as the five watershed restoration plans those projects are implementing. These six projects and their non-federal match total \$5,049,517 which substantially exceeds the \$3,455,000 federal 319 allocation that North Carolina hopes to be awarded in FY2014. These leveraged funds do not count toward the required 40% match, which is otherwise documented in the FY2014 319 grant work plan.

Please let me know if there is anything else that you need for the FY2014 work plan or exemption request.

Thank you,  
Kim

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3. Mattamuskeet Ventures Farm (Lux Farm) Watershed Restoration – 429: (implementing 319-funded Lake Mattamuskeet WRP)- restore and replicate natural hydrology on 3,300 acres by re-engineering the existing agricultural drainage system to reduce surface runoff and the associated nutrient and sediment load draining to shellfish waters in the Pamlico Sound, and enhance infiltration and groundwater recharge;
4. South Park Campus Watershed Enhancement, Little Sugar Creek – 703: (implementing EEP-funded Charlotte Area LWP)- install a series of stormwater BMP retrofits to treat 36 acres on the campus of several Charlotte Mecklenburg schools which drain to Little Sugar Creek;
5. McDonald Pond Rehabilitation, Irwin Creek – 704: (implementing EEP-funded Charlotte Area LWP)- retrofit an existing urban pond to optimize stormwater detention and pollutant removal efficiency, replace existing dam and spillway to ensure structural stability and halt erosion that is leading to degradation of receiving channel, which drains to Irwin Creek;
6. LID Raincatcher Retrofit, Ellerbe Creek – 706: (implementing EEP-funded Ellerbe Creek LWP)- install five different LID retrofits, designed to reduce stormwater runoff volume and treat the runoff for nutrients and bacteria, on multiple residential properties strategically clustered to help restore the headwaters of South Ellerbe Creek in Durham, a tributary of Ellerbe Creek and Falls Lake.

***c) that the projects will be completed within the FY14 Grant period;***

All six CWMTF projects will be completed during the FY14 Grant period. One project (2011-404) is due to end March 31, 2014; the other five projects are due to end April 30, 2014.

***d) that the projects used to meet the exemption will be reported in EPA's Grants tracking System (GRTS) in the same manner as Section 319 funded projects;***

North Carolina is prepared to report the six projects counting toward the exemption in EPA's GRTS system in the same manner as Section 319 funded projects. DWR 319 program staff will coordinate with CWMTF staff to ensure project reports are obtained in a timely manner in order to meet GRTS reporting deadlines.

***e) assurance that no federal funds count as leveraging; and,***

North Carolina's 319 program staff has reviewed the budget and contract information for the six CWMTF projects to ensure that the match funds counted are not from federal funds. Where these projects have leveraged federal funding, those funds have not been included in what has been counted and claimed as part of the FY14 319 exemption request.

***f) that non-federal funds used for the 40% match are not being used to meet the exemption.***

None of the funds (either the state funds awarded by CWMTF or the associated non-federal match) have been counted toward the required 40% match for the FY2014 319 grant. All funds associated with the six projects counted toward the exemption have been handled separately from the non-federal 40% match.

## North Carolina's FY2014 319 Grant Exemption Request – Documentation

### **1. 9-element equivalency for EEP watershed plans**

See separate attachment which documents the location of the 9 elements in each of the three EEP watershed plans.

### **2. Section G criteria from FY14 Section 319 Program Guidance (ps. 40-41)**

#### ***a) A statement that the Projects are aligned with the priorities as described in the state NPS management program;***

All six projects are aligned with the NPS Management Plan's priorities by implementing Goal #2 to restore NPS-impaired waters by supporting the implementation of restoration strategies for prioritized impaired watersheds. More specifically, the projects will help achieve and exceed the restoration goal identified in the NPS Management Program's Five-Year Action Plan (page 41) to implement a minimum of four restoration projects annually. The DWR workgroup is actively meeting to finalize the Planning Section's list of priority impaired watersheds for restoration. The current draft of the list identifies the five watersheds in which the projects are located within the top 10% of prioritized water bodies. It should also be noted that when these projects started, they were implementing the NPS program's priority at the time to implement watershed plans to restore impaired water bodies.

#### ***b) a statement of assurance/certification that these projects will meet the goals of the watershed project funding requirement;***

Section IX. B. of the 319 Program Guidance (p. 34) states that watershed project funding must be directed toward, "restoring impaired waters through the implementation of watershed based plans (WBPs) or acceptable alternative plans. Activities necessary to implement WBPs or acceptable alternative plans for watersheds containing one or more impaired waters are considered restoration activities." The six CWMTF projects offered for the exemption request meet this requirement. All of the projects are implementing activities to restore impaired waters and are guided by watershed based plans.

The implementation projects include:

1. Upper Torrence Creek Restoration Phase I – 404: (implementing 319-funded McDowell Creek WRP) - restore 3,600 linear feet of highly degraded stream channel, thereby removing 112 tons/year of sediment from the Upper Torrence/McDowell Creek system;
2. Ararat Phase II Restoration & Greenway – 416: (implementing EEP-funded Ararat River LWP)- acquisition of 21.75 acres riparian buffer easement, buffer planting, and 8,500 linear feet of stream bank stabilization and in-stream enhancements to improve aquatic habitat, reduce nutrient input, and prevent over 23,000 tons of sediment annually from reaching the Ararat River;



### Review Checklist for 9-element Watershed Based Plan

<b>9 elements in WBP</b>	<b>Ararat LWP (2013)</b>	<b>Charlotte LWP (2003)</b>	<b>Ellerbe LWP (2003)</b>
<b>(a)</b> Identification of causes of impairment and pollutant sources or groups of similar sources that need to be controlled to achieve needed load reductions, and any other goals identified in the watershed plan	ps. 55-58	ps. 41-42	Section II (ps. 26-28)
<b>(b)</b> An estimate of the load reductions expected from the management measures	Project Atlas (already provided): explanation of STEPL to determine loading, p. 45	ps. 30-33, 46-53	Appendix E (ps. 92-104)
<b>(c)</b> A description of the nonpoint source management measures that will need to be implemented to achieve load reductions, and a description of the critical areas in which those measures will be needed to implement this plan	Separate project atlas doc (already provided)	Table 3 (ps. 35-37); ps. 54-56	Recommendations 1-7 (ps. 37-59); separate project atlas doc (already provided)
<b>(d)</b> An estimate of the amount of technical and financial assistance needed, associated costs and/or sources and authorities that will be relied upon to implement this plan	Watershed Assessment Report: p. 24, Voluntary Ag Districts and available funds	Table 3 (ps. 35-37)	Appendix E (ps. 92-104)
<b>(e)</b> An information/education component to enhance public understanding of the project	Project Atlas doc: BMP location opportunity for educational outreach (ps. 1, 30, 36)	Task 2 discusses location of BMPs for ed/outreach purpose (pp 32). Charlotte-Mecklenburg education and outreach initiatives: <a href="http://charmack.org/storwater/whatsmywatershed/Pages/default.aspx">http://charmack.org/storwater/whatsmywatershed/Pages/default.aspx</a> <a href="http://maps.co.mecklenburg.nc.us/geoportal/">http://maps.co.mecklenburg.nc.us/geoportal/</a>	Goal 4 (p. 35); recommendation 9 (ps. 64-65)

9 elements in WBP	Ararat LWP (2013)	Charlotte LWP (2003)	Ellerbe LWP (2003)
(f) A schedule for implementing the NPS management measures identified in this plan that is reasonably expeditious	<p>Ararat-Pilot Mountain LWP <u>Fact Sheet</u> has a general project schedule</p> <p>An improved more specific schedule will be included in the 2013 final documentation.</p>	<p>Charlotte-Mecklenburg is clearly dedicated to implementing this plan and has pages devoted to each subwatershed:</p> <p><a href="http://charmeck.org/stor_mwater/whatsmywatershed/Pages/UpperLittleSugarCreek.aspx">http://charmeck.org/stor_mwater/whatsmywatershed/Pages/UpperLittleSugarCreek.aspx</a></p> <p><a href="http://charmeck.org/stor_mwater/whatsmywatershed/Pages/McMullenCreek.aspx">http://charmeck.org/stor_mwater/whatsmywatershed/Pages/McMullenCreek.aspx</a></p> <p><a href="http://charmeck.org/stor_mwater/whatsmywatershed/Pages/BriarCreek.aspx">http://charmeck.org/stor_mwater/whatsmywatershed/Pages/BriarCreek.aspx</a></p> <p><a href="http://charmeck.org/stor_mwater/whatsmywatershed/Pages/McAlpine-ClemCreek.aspx">http://charmeck.org/stor_mwater/whatsmywatershed/Pages/McAlpine-ClemCreek.aspx</a></p> <p><a href="http://charmeck.org/stor_mwater/whatsmywatershed/Pages/LongCreek.aspx">http://charmeck.org/stor_mwater/whatsmywatershed/Pages/LongCreek.aspx</a></p> <p>Each subwatershed includes links to water quality improvement pages (completed and ongoing projects, which serves as a schedule)</p>	Appendix E
(g) A description of interim measurable milestones for determining whether NPS management measures or other control actions are being implemented	In progress, to be completed 02/2014	<u>Targeting-Management Task 4 document (ps 95-115); (ps 60-70); (p. 95-100)</u>	Appendices E & G
(h) A set of criteria that can be used to determine whether loading reductions are being achieved over time and substantial progress is being made towards attaining water quality standards	In progress, to be completed 02/2014	<u>Catchment Characterization, Targeting-Management (p. 44)</u>	Appendix E

9 elements in WBP	Ararat LWP (2013)	Charlotte LWP (2003)	Ellerbe LWP (2003)
(I) A monitoring component to evaluate the effectiveness of the implementation efforts over time measured against the criteria used to determine whether loading reductions are being achieved	<p data-bbox="483 216 748 415"><u>Technical Memo:</u> DWR will conduct (p 23) monitoring on main stem which could capture large scale improvements p. 18</p> <p data-bbox="483 447 748 766"><u>Technical memo:</u> Monitoring detail p. 23, ps. 56-57 Monitoring was a factor in BMP priority. Watershed Assessment Report mentions monitoring throughout. DWR will perform regularly.</p>	ps. 14, 57-62	Recommendation 8 (p. 60-63); Appendix G (ps. 113-122)

